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DNR-FS-2023-10

SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Commercial Reporting – Snakehead and Catfish Licenses

COMAR 08.02.13.06

Released July 28, 2023

Updated October 20, 2023

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300

410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

I. SUMMARY & FAQs

What was proposed?

The Department has proposed modifying its reporting regulations to require individuals who have the Northern Snakehead License and the Blue and Flathead Catfish Finfish Trotline License to submit monthly reports, similar to the rest of the commercial licensees who harvest finfish from Maryland's tidal waters. These are relatively new commercial licenses created by the General Assembly that were not included when the reporting regulations were first written because these licenses did not exist at that time.

Why is this change necessary?

The Department generally requires commercial licensees to submit monthly harvest reports to account for any activity taken under the authorization of that license. Currently, all finfish harvesters with the exception of Northern Snakehead License and Blue and Flathead Catfish Finfish Trotline License holders are required to submit the Commercial Finfish Log on a monthly basis. By adding these two license types to the Department's reporting regulation, all commercial finfish harvesters will be required to submit the same type of information. Commercial harvest reports are an important source of abundance data. Both the harvest information and the effort information (amount of work it took to land the harvest) are important indicators and assist in the Department's management of the State's fish resources.

Who will this affect?

Commercial licensees who are licensed under Natural Resources Article, §§4-701.1 and 4-701.2, Annotated Code of Maryland (Northern Snakehead License and Blue and Flathead Catfish Finfish Trotline License, respectively).

Has this change been discussed with stakeholders?

This idea was scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their July 2023 meetings.

What is the specific regulatory action?

Amend Regulation .06 under COMAR 08.02.13 Fishing Licenses—Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure.

II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action creates new recordkeeping and reporting requirements for holders of Northern Snakehead Licenses and Blue and Flathead Catfish Finfish Trotline Licenses. Those licensees will have to submit monthly reports on forms provided by the Department. The monthly report will be due on the 10th of the subsequent month – i.e., the report for the month of May is due to the Department by June 10. The report is the Daily Commercial Fisheries Catch Log, available on the Department's website (form [here](#), additional instructions [here](#)). The Department also annually mails a copy of that log, along with mailing labels for each month, to each license holder.

III. IMPLEMENTATION DATE

The Department projects that this change could be effective in the winter of 2023-2024. However, the exact date cannot be determined. The Department will follow our normal proposal procedures if this concept moves forward.

During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the Department considers these comments and develops an appropriate management strategy. This proposal was scoped from July 28—August 13, 2023.

At the conclusion of the scoping process, the Department determined that the action is necessary and appropriate. The rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland. The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.

- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication. The proposed action was printed in the Maryland Register on October 20, 2023. The comment period will close at 11:59 p.m. November 20, 2023.
- After review of the comments, the Department may adopt the changes.
- If the Department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.